

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

| | | |
|------------------------------------|---|-------------------|
| TYRELL KNIGHT, |) | 4:06CV3065 |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | |
| |) | MEMORANDUM |
| RAYMOND EDELMAN, sued in |) | AND ORDER |
| both their individual and official |) | |
| capacities, et al., |) | |
| |) | |
| Defendants. |) | |

This matter is before the court on Plaintiff's Motion to Extend. ([Filing No. 59.](#)) On June 2, 2008, this matter was set for Final Pretrial Conference, at which Plaintiff failed to appear. Magistrate Judge Piester entered an order requiring Plaintiff to show cause for his failure to appear. ([Filing No. 58.](#)) In his Motion, Plaintiff states that he has "good cause" for his case and is homeless. ([Filing No. 59.](#)) Plaintiff also seeks an unspecified amount of time to "get transportation to Lincoln." (*Id.*)

For good cause shown, the court will reschedule this matter for Final Pretrial Conference. **However, no further extensions of time will be permitted.** Thus, if Plaintiff fails to appear at the Final Pretrial Conference, at the date and time set forth below, this matter will be dismissed without further notice for failure to prosecute diligently.

IT IS THEREFORE ORDERED that:

1. Plaintiff's Motion to Extend ([filing no. 59](#)) is granted.
2. The Progression Order is modified as follows: Defense counsel will have the primary responsibility for drafting the Order on Final Pretrial Conference,

pursuant to the format and requirements set out in [NeCivR 16.2\(a\)\(2\)](#). The plaintiff will be responsible for cooperating in the preparation and signing of the final version of the Order. The Order should be submitted to the plaintiff and to any other parties by **August 18, 2008**. The plaintiff shall provide additions and/or proposed deletions to Defense counsel by **September 2, 2008**. Defense counsel shall submit the Proposed Order on Final Pretrial Conference to the court by no later than **September 16, 2008**. If a party proposes an addition or deletion which is not agreed to by all the other parties, that fact should be noted in the text of the document. The Proposed Order on Final Pretrial Conference must be signed by all pro se parties and by counsel for all represented parties.

3. The Final Pretrial Conference will be held before Magistrate Judge David L. Piester on **September 30, 2008, at 10:00 a.m.** The Final Pretrial Conference will take place at the Robert V. Denney Federal Building, 100 Centennial Mall South, Lincoln, Nebraska, in courtroom number two. Prior to the pretrial conference, all items as directed in [NeCivR 16.2](#) and full preparation shall have been completed so that trial may begin at any time following the Pretrial Conference.

4. **No further extensions of time will be permitted. In the event that Plaintiff fails to appear at the Final Pretrial Conference, this matter will be dismissed without prejudice and without further notice for failure to prosecute this matter diligently.**

5. The Clerk of the court is directed to send a copy of this Memorandum and Order to Magistrate Judge Piester.

July 25, 2008.

BY THE COURT:

s/ Joseph F. Bataillon
Chief United States District Judge